

EXHIBIT 66

PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,) 1:23-cv-00108-LMB-JFA
et al.,)
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendants.)

VIDEOTAPED 30(b)(6) DEPOSITION OF
CENTERS FOR MEDICARE & MEDICAID SERVICES
through the testimony of
CHRISTOPHER KOEPKE
August 25, 2023
9:00 a.m.

Reported by: Bonnie L. Russo
Job No. CS6075382

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| <p style="text-align: right;">Page 2</p> <p>1 Videotaped 30(b)(6) Deposition of 2 Centers for Medicare and Medicaid Services 3 through the testimony of Christopher Koepke 4 held at: 5 6 7 8 Paul Weiss Rifkind Wharton & Garrison, LLP 9 2001 K Street, N.W. 10 Washington, D.C. 11 12 13 14 15 16 17 18 Pursuant to Notice, when were present on behalf 19 of the respective parties: 20 21 22</p> | <p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (CONTINUED): 2 3 Also Present: 4 Orson Braithwaite, Videographer 5 Kenneth Whitley, Department of Health and Human 6 Services, Office of General Counsel 7 8 Also Present Via Remotely: 9 Alvin Chu, DOJ 10 David Grossman, DOJ 11 Jimmy McBirney, DOJ 12 13 14 15 16 17 18 19 20 21 22</p> |
| <p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 3 On behalf of the Plaintiffs: 4 MARK H.M. SOSNOWSKY, ESQUIRE 5 VICTOR LIU, ESQUIRE 6 UNITED STATES DEPARTMENT OF JUSTICE 7 450 Fifth Street, N.W. 8 Washington, D.C. 20530 9 mark.sosnowsky@usdoj.gov 10 victor.liu@usdoj.gov 11 12 On behalf of the Defendant: 13 MARTHA L. GOODMAN, ESQUIRE 14 HEATHER MILLIGAN, ESQUIRE 15 AMY MAUSER, ESQUIRE 16 PAUL, WEISS, RIFKIND, WHARTON & 17 GARRISON, LLP 18 2001 K Street, N.W. 19 Washington, D.C. 20006 20 mgoodman@paulweiss.com 21 hmilligan@paulweiss.com 22 amauser@paulweiss.com</p> | <p style="text-align: right;">Page 5</p> <p>1 I N D E X 2 EXAMINATION OF CHRISTOPHER KOEPKE PAGE 3 BY MS. GOODMAN 8 4 BY MS. MILLIGAN 74 5 6 EXHIBITS 7 Exhibit 76 E-Mail Chain dated 6-14-22 17 8 Attachment 9 CMS-ADS-0000018746-790 10 Exhibit 77 Acquisition Plan (AP) Template 45 11 CMS-ADS-0000023782-806 12 Exhibit 78 E-Mail Chain dated 7-12-21 68 13 CMS-ADS-0000380931-932 14 Exhibit 79 Client Authorization 70 15 to Buy #1 16 CMS-ADS-0001139301-302 17 Exhibit 80 CMS OE November 2020 Invoice 73 18 Inventory 19 CMS-ADS-0001153897-923 20 Exhibit 81 E-Mail Chain dated 1-28-21 88 21 CMS-ADS-0000373744-745 22 (Exhibits bound separately.)</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 Q. Okay. Do you know whether it</p> <p>2 applies to 2020 open enrollment display,</p> <p>3 Hispanic?</p> <p>4 MR. SOSNOWSKY: Objection. Form.</p> <p>5 THE WITNESS: I know it applies to</p> <p>6 purchases from Google in 2020 --</p> <p>7 BY MS. MILLIGAN:</p> <p>8 Q. Okay.</p> <p>9 A. -- for a Spanish open enrollment.</p> <p>10 Q. Okay. My question was whether CMS</p> <p>11 knows if it applies to the 2020 open enrolled</p> <p>12 display, Hispanic.</p> <p>13 MR. SOSNOWSKY: Objection. Form.</p> <p>14 THE WITNESS: And my answer is that</p> <p>15 it applies to a variety of categories across</p> <p>16 what is represented here in the invoice and</p> <p>17 that we -- it is this small purchase of \$220</p> <p>18 over across \$528,000. We don't know exactly</p> <p>19 where that came from.</p> <p>20 BY MS. MILLIGAN:</p> <p>21 Q. Okay. And are the other line items</p> <p>22 here, aside from the second and the, I guess,</p> | <p style="text-align: right;">Page 80</p> <p>1 related topic, we bid on that and -- and</p> <p>2 produced the ads for people who are looking for</p> <p>3 that. That is how search advertisement works.</p> <p>4 YouTube ads of different lengths are</p> <p>5 also included here where we will show a video</p> <p>6 to people in Spanish who are on YouTube.</p> <p>7 We have some on English browsers</p> <p>8 where people are doing Spanish searches, so we</p> <p>9 run ads there as well. And then we also had</p> <p>10 a -- a campaign at the same time on flu, which</p> <p>11 is on this invoice, and we had YouTube ads in</p> <p>12 Spanish on the importance of getting a flu shot</p> <p>13 for people with Medicare.</p> <p>14 Then we had discovery ads which are</p> <p>15 a form of display ads but they are placed</p> <p>16 within a restricted Google environment such as</p> <p>17 Gmail.</p> <p>18 And that would be the ads, I think,</p> <p>19 unless I skipped a line. Did you notice if I</p> <p>20 skipped a line? I tried to get them all.</p> <p>21 BY MS. MILLIGAN:</p> <p>22 Q. No, you didn't.</p> |
| <p style="text-align: right;">Page 79</p> <p>1 third from the bottom, for other forms of</p> <p>2 advertising?</p> <p>3 MR. SOSNOWSKY: Objection to form.</p> <p>4 THE WITNESS: I'm sorry. Could you</p> <p>5 repeat that, please, Heather. I'm not sure I</p> <p>6 followed.</p> <p>7 BY MS. MILLIGAN:</p> <p>8 Q. Okay. Were the other line items</p> <p>9 listed here, so 1, 3, 4, 5, 6, 7, and 9 for</p> <p>10 other forms of advertising?</p> <p>11 MR. SOSNOWSKY: Objection. Form.</p> <p>12 THE WITNESS: For other forms of</p> <p>13 advertising that -- for which Google placed</p> <p>14 them, yes.</p> <p>15 BY MS. MILLIGAN:</p> <p>16 Q. And what forms of advertising are</p> <p>17 those lines for?</p> <p>18 MR. SOSNOWSKY: Objection. Form.</p> <p>19 THE WITNESS: The first one is</p> <p>20 search advertising in Spanish. So someone who</p> <p>21 is typing into Google in Spanish on a Spanish</p> <p>22 browser that they are looking for Medicare or a</p> | <p style="text-align: right;">Page 81</p> <p>1 A. Okay. Thank you.</p> <p>2 Q. So is it fair to say that you used</p> <p>3 multiple forms of advertising for the open</p> <p>4 enrollment Medicare campaign?</p> <p>5 A. It is fair to say that we -- within</p> <p>6 Google's environment we used multiple forms of</p> <p>7 advertisements, mostly display, search, videos</p> <p>8 on YouTube, and of course the -- yeah, that's</p> <p>9 what I meant. Those three, yep.</p> <p>10 Q. Okay. And why?</p> <p>11 MR. SOSNOWSKY: Objection. Form.</p> <p>12 THE WITNESS: Well, this could be a</p> <p>13 long marketing lecture.</p> <p>14 So each one of these ads in each one</p> <p>15 of these channels or tactics for delivering an</p> <p>16 ad actually accomplishes a different goal with</p> <p>17 the audiences, so search ads are for people who</p> <p>18 are already interested in the topic so much</p> <p>19 that they are searching for it.</p> <p>20 And many people buy search ads on</p> <p>21 Google, so we have to buy search ads on Google</p> <p>22 in order to make sure that people who want</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 information from Medicare, see that we have 2 that information versus other private entities, 3 and our -- our information is not biased. So 4 that is only for people -- in marketing we call 5 it the bottom of the funnel. They are about 6 ready to take an action. 7 The YouTube ads are videos, which 8 can be engaging for some people, people who are 9 actually on YouTube to see them. Discovery ads 10 are limited to people within a Google 11 environment, such as Gmail, for which there is 12 specific targeting information available from 13 Google to deliver those ads to a much more 14 narrow audience but our return on investment 15 could be a little higher but our reach isn't as 16 good. 17 And then, lastly, the display ads 18 can have outstanding reach because what is 19 often referred to as programmatic display goes 20 to many different people because it goes across 21 many different websites. Any website that a 22 member of our audience might be on could see</p> | <p style="text-align: right;">Page 84</p> <p>1 Q. Okay. As a representative here on 2 behalf of CMS, do you have an understanding of 3 the suppliers from which CMS purchases 4 advertising? 5 MR. SOSNOWSKY: Objection. Form. 6 THE WITNESS: Depending on the many 7 campaigns during this time period, we have a 8 lot of different suppliers, and I have an 9 understanding. But for any specific project, I 10 would have to refer to the document -- 11 BY MS. MILLIGAN: 12 Q. Okay. 13 A. -- so I could, for instance, refer 14 to the document you gave me -- 15 Q. Okay. 16 A. -- if this is what you're interested 17 in. 18 Q. Let's start there. 19 A. Okay. So in this case just on 20 the -- on the front chart, which you're looking 21 at right there, that lists a few different 22 groups: Telemundo, Google, which has the</p> |
| <p style="text-align: right;">Page 83</p> <p>1 one of our ads through that display. So if 2 they never search, they are never on YouTube, 3 they are still going to get one of our ads 4 because this increases our reach. 5 BY MS. MILLIGAN: 6 Q. Okay. And is it fair to say that 7 over the course of the campaign CMS will 8 consider shifting allocated dollars between the 9 channels you have described in order to 10 optimize spend? 11 MR. SOSNOWSKY: Objection. Form. 12 THE WITNESS: Yes. 13 BY MS. MILLIGAN: 14 Q. And in addition to Google, is it 15 fair to say that you bought advertising from 16 suppliers other than Google? 17 A. Yes. 18 Q. Which suppliers? 19 A. This invoice might not be exhaustive 20 for the entire campaign, but for the month of 21 November, if you would like me to rely on this 22 invoice, I can do that.</p> | <p style="text-align: right;">Page 85</p> <p>1 highest spend in the month of November, 2 Microsoft, MiQ, Resonate, Univision, and Impre 3 Media. 4 Q. Sitting here today and based on your 5 preparation -- preparation for this deposition, 6 can you think of any others? 7 MR. SOSNOWSKY: Objection. Form. 8 THE WITNESS: Do you want me to just 9 talk about Spanish and Medicare, or do you want 10 me to talk about every single campaign we do? 11 BY MS. MILLIGAN: 12 Q. I am just asking for the suppliers 13 of advertising that you can name sitting here 14 today based on the preparation you did for this 15 deposition. 16 MR. SOSNOWSKY: Objection. Form. 17 Foundation. 18 THE WITNESS: So "suppliers of 19 advertisement," could you define that for me. 20 BY MS. MILLIGAN: 21 Q. Do you -- 22 A. We have people who make ads. We</p> |

22 (Pages 82 - 85)

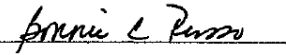
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| <p style="text-align: right;">Page 86</p> <p>1 have people who place ads.</p> <p>2 Q. Okay. Is that your understanding of</p> <p>3 suppliers of advertising?</p> <p>4 A. That is a very small list of what</p> <p>5 people do for advertising.</p> <p>6 Q. Okay. What other supply -- supply</p> <p>7 services are you -- are provided --</p> <p>8 A. So we work --</p> <p>9 MR. SOSNOWSKY: Hold on. I'm</p> <p>10 sorry --</p> <p>11 THE WITNESS: Yep. Sorry.</p> <p>12 MR. SOSNOWSKY: -- let her finish</p> <p>13 the question just because --</p> <p>14 THE WITNESS: Yeah. Thank you very</p> <p>15 much. I appreciate that.</p> <p>16 I'm sorry. I interrupted.</p> <p>17 BY MS. MILLIGAN:</p> <p>18 Q. What other suppliers' supplies do --</p> <p>19 sorry. Strike that.</p> <p>20 You mentioned people who make the</p> <p>21 ads. You mentioned people who place the ads.</p> <p>22 Are there other services that you would</p> | <p style="text-align: right;">Page 88</p> <p>1 and people with disabilities who are on</p> <p>2 Medicare, we think about what they need to do</p> <p>3 to save money on Medicare to make the most of</p> <p>4 the program for themselves and what's a way to</p> <p>5 remind them that this is -- that open</p> <p>6 enrollment is the time to do that.</p> <p>7 So you want -- as -- as that</p> <p>8 audience has people who consume media in</p> <p>9 different ways, we use different channels to</p> <p>10 reach them to educate them that it's time.</p> <p>11 BY MS. MILLIGAN:</p> <p>12 Q. Okay. And what for this -- purposes</p> <p>13 of this campaign, what services did MiQ</p> <p>14 provide?</p> <p>15 A. MiQ does programmatic display</p> <p>16 advertising, and as you can see, we spent about</p> <p>17 5 percent of our display budget on them and</p> <p>18 about 95 percent on Google.</p> <p>19 MS. MILLIGAN: Okay. I'm going to</p> <p>20 mark Exhibit 81 for the record. It's</p> <p>21 CMS-ADS-0000373744 through 3745.</p> <p>22 (Deposition Exhibit 81 was marked</p> |
| <p style="text-align: right;">Page 87</p> <p>1 include --</p> <p>2 MR. SOSNOWSKY: Objection.</p> <p>3 BY MS. MILLIGAN:</p> <p>4 Q. -- within suppliers of advertising?</p> <p>5 MR. SOSNOWSKY: Object to the form.</p> <p>6 THE WITNESS: There are. There is</p> <p>7 planning services for helping us develop media</p> <p>8 plans. There are vendors which specialize in a</p> <p>9 particular channel, which would be similar to</p> <p>10 what we just discussed. There are directors</p> <p>11 who direct film shoots. There are graphic</p> <p>12 artists who mock up advertisements. It is a</p> <p>13 rather large undertaking.</p> <p>14 BY MS. MILLIGAN:</p> <p>15 Q. All right. And for purposes of</p> <p>16 Exhibit 80, why did -- why did CMS purchase</p> <p>17 from the other vendors here aside from Google?</p> <p>18 MR. SOSNOWSKY: Objection. Form.</p> <p>19 THE WITNESS: People in our</p> <p>20 audience -- and in this case, these are people</p> <p>21 on Medicare who are either over the age of 65,</p> <p>22 and many of them are like 70, 80, 85 years old,</p> | <p style="text-align: right;">Page 89</p> <p>1 for identification.)</p> <p>2 THE WITNESS: Thank you.</p> <p>3 BY MS. MILLIGAN:</p> <p>4 Q. All right. And do you have an</p> <p>5 understanding of what these e-mails -- the</p> <p>6 subject matter of these e-mails?</p> <p>7 MR. SOSNOWSKY: Objection. Form.</p> <p>8 THE WITNESS: The subject line says</p> <p>9 Open Enrollment 8 campaign results --</p> <p>10 BY MS. MILLIGAN:</p> <p>11 Q. Okay.</p> <p>12 A. -- now, because we have multiple</p> <p>13 things called open enrollment --</p> <p>14 Q. Understood.</p> <p>15 A. -- based on who is on the e-mail, I</p> <p>16 can tell this is about the marketplace.</p> <p>17 Q. Okay. And looking at the e-mail at</p> <p>18 the bottom of the first page ending in 3744,</p> <p>19 could you just -- could you read the second</p> <p>20 bullet.</p> <p>21 A. So is this the one from Aaron Blazer</p> <p>22 or the one from Seth Edlavitch?</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 Q. The last e-mail on the page at the</p> <p>2 bottom from Aaron Blazer.</p> <p>3 A. Okay. Thank you.</p> <p>4 And you wanted the second bullet?</p> <p>5 Q. Yes. Actually, let me just -- let</p> <p>6 me just -- so Aaron writes here: "We have</p> <p>7 captured this in our final report and will have</p> <p>8 full performance metrics and percentage</p> <p>9 detailed. Year over year the campaign</p> <p>10 performed exceptionally well driven by channel</p> <p>11 optimizations and applied learnings from</p> <p>12 previous open enrollment periods."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes, you did.</p> <p>15 Q. Okay. And could you read out loud</p> <p>16 the shift -- the second bullet.</p> <p>17 A. So what the second bullet is</p> <p>18 saying --</p> <p>19 Q. Sorry. Could you read it out loud.</p> <p>20 A. I can read it out loud.</p> <p>21 "Shifted the display strategy in</p> <p>22 Open Enrollment 8 more towards our partner MiQ,</p> | <p style="text-align: right;">Page 92</p> <p>1 Q. -- it was not responsive to the</p> <p>2 question.</p> <p>3 MR. SOSNOWSKY: Objection.</p> <p>4 THE WITNESS: It does --</p> <p>5 BY MS. MILLIGAN:</p> <p>6 Q. Sir, there is no question pending.</p> <p>7 MR. SOSNOWSKY: There is no question</p> <p>8 pending, Chris. That's okay.</p> <p>9 THE WITNESS: Okay.</p> <p>10 BY MS. MILLIGAN:</p> <p>11 Q. For the time period 2019 to 2023,</p> <p>12 can CMS quantify its purchases of display</p> <p>13 advertising from advertising agencies or</p> <p>14 through advertising agencies?</p> <p>15 MR. SOSNOWSKY: Objection. Form.</p> <p>16 THE WITNESS: CMS can quantify that</p> <p>17 number.</p> <p>18 BY MS. MILLIGAN:</p> <p>19 Q. Okay. Sitting here today as CMS's</p> <p>20 representative, are you able to quantify that?</p> <p>21 A. I would need to go over lots of</p> <p>22 records and add them together.</p> |
| <p style="text-align: right;">Page 91</p> <p>1 who has historically outperformed Google for</p> <p>2 this campaign."</p> <p>3 Q. Okay. And is -- is the open</p> <p>4 enrollment for -- this is for -- this open</p> <p>5 enrollment is for the marketplace,</p> <p>6 Healthcare.gov?</p> <p>7 A. Yes, it is.</p> <p>8 Q. And is it fair to say that that</p> <p>9 campaign is CMS's largest campaign in terms of</p> <p>10 dollars between 2019 and 2023?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Thank you.</p> <p>13 A. That bullet is taken out of context</p> <p>14 from Aaron Blazer anyway. She -- there are</p> <p>15 many factors which go towards the concept of</p> <p>16 outperforming and many factors that go towards</p> <p>17 how much we spend on a channel. Anyway this</p> <p>18 was based on last-click attribution only.</p> <p>19 Q. I will move to strike that last</p> <p>20 part --</p> <p>21 MR. SOSNOWSKY: Objection.</p> <p>22 BY MS. MILLIGAN:</p> | <p style="text-align: right;">Page 93</p> <p>1 Q. Okay. And what records?</p> <p>2 A. They would be final campaign</p> <p>3 reports, final digital campaign reports.</p> <p>4 Q. Anything else?</p> <p>5 A. That would probably do it.</p> <p>6 Q. Okay. And the same question for</p> <p>7 price quotes.</p> <p>8 MR. SOSNOWSKY: Object to the form.</p> <p>9 THE WITNESS: I'm sorry. Price</p> <p>10 quotes on -- on what?</p> <p>11 BY MS. MILLIGAN:</p> <p>12 Q. The price quotes that you -- that</p> <p>13 CMS received for -- between the time period of</p> <p>14 2019 and 2023 for purchases of display</p> <p>15 advertising.</p> <p>16 MR. SOSNOWSKY: Object to the form.</p> <p>17 THE WITNESS: The price planning for</p> <p>18 what we budget would be in our media plans, and</p> <p>19 that would include estimates of what we are</p> <p>20 paying for impressions and/or clicks.</p> <p>21 BY MS. MILLIGAN:</p> <p>22 Q. All right. And for actual prices</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 paid?</p> <p>2 A. Those would be --</p> <p>3 MR. SOSNOWSKY: Object to the form.</p> <p>4 THE WITNESS: Those would be in the</p> <p>5 final report.</p> <p>6 BY MS. MILLIGAN:</p> <p>7 Q. And for the terms and conditions of</p> <p>8 those purchases?</p> <p>9 MR. SOSNOWSKY: Object to the form.</p> <p>10 THE WITNESS: Those would be in the</p> <p>11 planning but also in the invoices depending on</p> <p>12 your definition of terms and conditions.</p> <p>13 BY MS. MILLIGAN:</p> <p>14 Q. Thank you.</p> <p>15 If I could just briefly turn your</p> <p>16 attention back to Exhibit 79, and we were</p> <p>17 looking at --</p> <p>18 A. I don't mean to be rude. This is</p> <p>19 what I have marked as 79.</p> <p>20 Q. I'm sorry. 80.</p> <p>21 A. There we go. Thank you. Trying to</p> <p>22 be helpful.</p> | <p style="text-align: right;">Page 96</p> <p>1 Q. -- for the amount listed in this</p> <p>2 invoice?</p> <p>3 MR. SOSNOWSKY: Objection to form.</p> <p>4 THE WITNESS: CMS paid Google</p> <p>5 through Brunet-García.</p> <p>6 BY MS. MILLIGAN:</p> <p>7 Q. Okay. My question was whether</p> <p>8 Brunet-García paid Google.</p> <p>9 MR. SOSNOWSKY: Objection to form.</p> <p>10 THE WITNESS: At CMS's direction.</p> <p>11 BY MS. MILLIGAN:</p> <p>12 Q. Brunet-García paid Google --</p> <p>13 MR. SOSNOWSKY: Objection to form.</p> <p>14 BY MS. MILLIGAN:</p> <p>15 Q. -- at CMS's direction?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And CMS paid Brunet-García?</p> <p>18 MR. SOSNOWSKY: Objection to the form.</p> <p>19 THE WITNESS: That is correct.</p> <p>20 BY MS. MILLIGAN:</p> <p>21 Q. Has CMS paid fees for ad tech</p> <p>22 services provided by Google.</p> |
| <p style="text-align: right;">Page 95</p> <p>1 Q. I appreciate that. I appreciate</p> <p>2 that.</p> <p>3 Looking at Exhibit 80, we were</p> <p>4 looking at the Google invoice in this exhibit</p> <p>5 that is pages 3901 to 3903. If I could turn</p> <p>6 your attention to those pages.</p> <p>7 Who paid this invoice, the amount in</p> <p>8 this invoice, to Google?</p> <p>9 A. CMS paid this invoice through our</p> <p>10 advertising agency.</p> <p>11 Q. Okay. Which advertising agency?</p> <p>12 A. In this case Brunet-García.</p> <p>13 Q. Okay. So in this instance,</p> <p>14 Brunet-García served as -- as the middleman?</p> <p>15 MR. SOSNOWSKY: Objection to form.</p> <p>16 THE WITNESS: Brunet-García</p> <p>17 purchased this at our direction.</p> <p>18 BY MS. MILLIGAN:</p> <p>19 Q. Okay. And did Brunet-García pay --</p> <p>20 pay Google --</p> <p>21 MR. SOSNOWSKY: Objection.</p> <p>22 BY MS. MILLIGAN:</p> | <p style="text-align: right;">Page 97</p> <p>1 You can set aside -- this is not</p> <p>2 specific to Exhibit 80.</p> <p>3 MR. SOSNOWSKY: Objection to form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. MILLIGAN:</p> <p>6 Q. Okay. And which ad tech services</p> <p>7 has CMS paid those ad tech services for?</p> <p>8 A. For the use of ad placement --</p> <p>9 sorry. The technical term is escaping me but</p> <p>10 ad-serving fees.</p> <p>11 Q. Okay. And for the time period 2019</p> <p>12 to 2023, what was the amount of those fees?</p> <p>13 A. Across all the campaigns, they would</p> <p>14 have to be summed up across all the final</p> <p>15 reports and/or invoices.</p> <p>16 Q. Okay. And to whom does CMS pay</p> <p>17 those fees?</p> <p>18 MR. SOSNOWSKY: Objection to form.</p> <p>19 THE WITNESS: To Google through our</p> <p>20 ad agencies.</p> <p>21 BY MS. MILLIGAN:</p> <p>22 Q. So CMS paid its -- its ad agencies</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 for those fees?</p> <p>2 MR. SOSNOWSKY: Objection to form.</p> <p>3 THE WITNESS: As your first question</p> <p>4 was, you asked did CMS purchase from Google.</p> <p>5 And I answered yes, on the tech services, and</p> <p>6 so that's what I am referring to. So we paid</p> <p>7 those tech services through our ad agencies.</p> <p>8 BY MS. MILLIGAN:</p> <p>9 Q. So would -- in order to calculate</p> <p>10 the amount of fees paid to CMS's advertising --</p> <p>11 advertising agencies for ad tech services</p> <p>12 provided by Google, aside from the final</p> <p>13 reports, are there any other records that one</p> <p>14 would need to make that calculation?</p> <p>15 MR. SOSNOWSKY: Objection to form.</p> <p>16 THE WITNESS: I would double-check</p> <p>17 the math using the invoices.</p> <p>18 BY MS. MILLIGAN:</p> <p>19 Q. Which invoices?</p> <p>20 A. The invoices that CMS receives.</p> <p>21 Q. And who does CMS receive invoices</p> <p>22 from?</p> | <p style="text-align: right;">Page 100</p> <p>1 MR. SOSNOWSKY: Objection to form.</p> <p>2 Foundation.</p> <p>3 THE WITNESS: The invoice was sent</p> <p>4 on our behalf to Brunet-García.</p> <p>5 BY MS. MILLIGAN:</p> <p>6 Q. Okay. And so it was received by</p> <p>7 Brunet-García?</p> <p>8 MR. SOSNOWSKY: Objection to form.</p> <p>9 Foundation.</p> <p>10 THE WITNESS: In order to pay Google</p> <p>11 on our behalf.</p> <p>12 BY MS. MILLIGAN:</p> <p>13 Q. It was received by Brunet-García in</p> <p>14 order to pay Google?</p> <p>15 MR. SOSNOWSKY: Object to form.</p> <p>16 Foundation.</p> <p>17 THE WITNESS: It's on our behalf.</p> <p>18 BY MS. MILLIGAN:</p> <p>19 Q. Is that --</p> <p>20 THE COURT REPORTER: I'm sorry. I</p> <p>21 didn't hear your answer.</p> <p>22 THE WITNESS: It's on our behalf.</p> |
| <p style="text-align: right;">Page 99</p> <p>1 MR. SOSNOWSKY: Objection to form.</p> <p>2 THE WITNESS: We receive the</p> <p>3 invoices, as we just looked at, from Google</p> <p>4 through our advertising agency.</p> <p>5 BY MS. MILLIGAN:</p> <p>6 Q. Okay. And the invoice that we just</p> <p>7 looked at, who was the recipient of that</p> <p>8 invoice in the first instance?</p> <p>9 MR. SOSNOWSKY: Objection to form.</p> <p>10 Foundation.</p> <p>11 THE WITNESS: I don't think it lists</p> <p>12 the staff member on this particular one --</p> <p>13 BY MS. MILLIGAN:</p> <p>14 Q. So here --</p> <p>15 A. -- yeah. It's -- the document you</p> <p>16 gave me doesn't actually -- it would go through</p> <p>17 our office of financial management. They</p> <p>18 probably see it first.</p> <p>19 Q. Who -- and "who" means people and</p> <p>20 entities -- received that, the invoice -- the</p> <p>21 Google invoice in Exhibit 80 in the first</p> <p>22 instance? Feel free to look at it.</p> | <p style="text-align: right;">Page 101</p> <p>1 Thank you.</p> <p>2 BY MS. MILLIGAN:</p> <p>3 Q. So is that yes?</p> <p>4 MR. SOSNOWSKY: Objection to form.</p> <p>5 Foundation.</p> <p>6 THE WITNESS: Advertising agencies</p> <p>7 act on our behalf to pay our vendors.</p> <p>8 BY MS. MILLIGAN:</p> <p>9 Q. Okay. Did you understand my</p> <p>10 question?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So when the invoice was sent</p> <p>13 on your behalf from Google to Brunet-García, is</p> <p>14 it correct that Brunet-García received that</p> <p>15 invoice?</p> <p>16 MR. SOSNOWSKY: Objection. Asked</p> <p>17 and answered several times now.</p> <p>18 You can tell her again.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. MILLIGAN:</p> <p>21 Q. Thank you.</p> <p>22 Does CMS have an amount in mind that</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 wrongful instructions to -- with regard to</p> <p>2 answering questions based on the outcome of</p> <p>3 today's hearing before Judge Anderson.</p> <p>4 MR. SOSNOWSKY: Okay. We obviously</p> <p>5 object to that. You've had full cooperation</p> <p>6 from Mr. Koepke, and we do not have further</p> <p>7 questions. We will read and sign. It is our</p> <p>8 position that CMS is done.</p> <p>9 MS. MILLIGAN: Thank you for your</p> <p>10 time today.</p> <p>11 THE WITNESS: Thank you. As I said,</p> <p>12 this was fascinating.</p> <p>13 THE VIDEOGRAPHER: Going off the</p> <p>14 record. The time is 11:44.</p> <p>15 (Whereupon, the proceeding was</p> <p>16 concluded at 11:44 a.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> | <p style="text-align: right;">Page 116</p> <p>1 Victor Liu Esq</p> <p>2 victor.liu@usdoj.gov</p> <p>3 August 28th, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 8/25/2023, Christopher Koepke (#6075382)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (erratas-cs@veritext.com).</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 115</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Bonnie L. Russo, the officer before</p> <p>3 whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the witness whose testimony</p> <p>5 appears in the foregoing deposition was duly</p> <p>6 sworn by me; that the testimony of said witness</p> <p>7 was taken by me in shorthand and thereafter</p> <p>8 reduced to computerized transcription under my</p> <p>9 direction; that said deposition is a true</p> <p>10 record of the testimony given by said witness;</p> <p>11 that I am neither counsel for, related to, nor</p> <p>12 employed by any of the parties to the action in</p> <p>13 which this deposition was taken; and further,</p> <p>14 that I am not a relative or employee of any</p> <p>15 attorney or counsel employed by the parties</p> <p>16 hereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19</p> <p>20 </p> <p>21 Notary Public in and for</p> <p>22 the District of Columbia</p> <p>My Commission expires: August 14, 2025</p> | <p style="text-align: right;">Page 117</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Christopher Koepke (#6075382)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Christopher Koepke Date _____</p> <p>25</p> |